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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Bruce A. Mosley et al.

Docket No.: 2301-M

Serial No.: 10/688,495

Group Art Unit: 1653

Filing Date: October 17, 2003

Examiner: Unknown

For: ANTIBODIES TO INTERLEUKIN-4 RECEPTORS
AND USES THEREOF

**RESPONSE TO SEQUENCE AND RESTRICTION REQUIREMENTS AND NOTICE
OF OMITTED ITEMS**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures and Notice of Omitted Items mailed September 9, 2004, please consider the following remarks.

I. SEQUENCE LISTING

It is asserted that the instant application does not comply with the requirements of 37 CFR 1.821 through 1.825 because it does not contain a Sequence Listing in paper or computer-readable form. Applicants respectfully point out that the effective date of the instant application precedes the May 1990 effective date of 37 CFR 1.821-1.825. The instant application is a divisional application of U.S. App. Ser. No. 10/104,590, filed March 22, 2002, now issued as U.S. Pat. No. 6,716,587, which is a divisional application of U.S. App. Ser. No. 09/094,917, filed June 15, 1998, which is a continuation of U.S. App. Ser. No. 07/480,694, filed February 14, 1990. (Two similar Notices to Comply were mailed in connection with the '590 application; each was subsequently withdrawn.) Thus, the instant Notice to Comply was issued in error, and Applicants respectfully request that it be withdrawn.

II. OMITTED ITEMS

It is further asserted that Figure 17 was omitted from the application as filed on October 17, 2003. Applicants respectfully point out that this is incorrect.

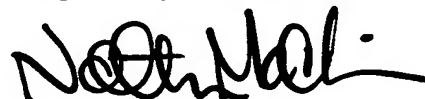
As shown in the attached copy of the postcard mailed with the application (date stamped on October 29, 2003 by the Patent and Trademark Office) and in the attached copy of the Certificate of Mailing by Express Mail, certified by Ms. Kathleen F. Prindle and mailed with the application, Figure 17 was included in the application as filed.

Furthermore, Figure 17 was incorporated by reference into the application as filed. As shown in the attached copy of the Application Transmittal Form, which was included with the application as filed, the instant application was filed as a divisional application of U.S. Pat. App. No. 10/104,590, whose "entire disclosure ... is considered a part of the disclosure of the accompanying ... divisional application and is hereby incorporated by reference." Thus, even if Figure 17 had been inadvertently omitted from the original filing of the instant application (which, as shown above, it was not), it would still be part of the application as filed.

For the foregoing reasons, Applicants respectfully petition under 37 CFR 1.53(e) to add the attached copy of Figure 17 to the above-referenced application and preserve the original filing date of October 17, 2003.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 under 37 CFR 1.117(h), and any other additional fees in the amount necessary to permit consideration of this Response, to Deposit Account No. 09-0089. Applicants further request that this amount be refunded to Applicants under MPEP 601.01(d). A duplicate copy of this sheet is enclosed.

Respectfully submitted,



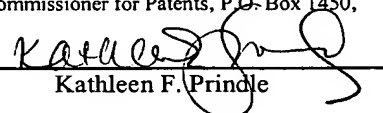
Nathan A. Machin
Registration No. 47,763
Direct Dial No. (206) 265-8779

Immunex Corporation
Law Department
1201 Amgen Court West
Seattle, WA 98119-3105
Telephone (206) 265-7000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

September 24, 2004
Date


Kathleen F. Prindle



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/688,495	10/17/2003	Bruce A. Mosley	2301-M

Nathan A. Machin
Immunex Corporation
Law Department
51 University Street
Seattle, WA 98101



CONFIRMATION NO. 1974

FORMALITIES LETTER



OC000000013771165

Date Mailed: 09/09/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

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For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been omitted from the application:

- Figure(s) 17 described in the specification.

Adjustment date: 09/29/2004 EHAILE1
09/28/2004 EHAILE1 00000023 090089 10688495
01 FC:1051 130.00 CR

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and

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Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.


Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
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*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE